

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL CERVANTES,
Plaintiff,

v.

S. BURCIAGA,
Defendant.

No. 2:20-cv-0232 JAM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983, has filed a motion for leave to file an amended complaint. ECF No. 79.

A plaintiff may amend his complaint once as a matter of course within “(A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1). Defendant filed a motion to dismiss in this case on September 15, 2020. ECF No. 59. Plaintiff is therefore outside the time to file an amended complaint as a matter of course and must obtain leave of the court or defendant’s consent. See Fed. R. Civ. P. 15(a)(2).

The motion to amend is not accompanied by a copy of the proposed amended complaint as required by the Local Rules, see L.R. 137(c), and it will therefore be denied without prejudice to a motion that includes a copy of the proposed amended complaint. Plaintiff is further advised

1 that any proposed amended complaint must contain all the claims he seeks to make. The court
2 will not consider piecemeal allegations and filings.


3 Plaintiff has also filed a document styled as a motion to join claims in which he requests
4 that the court serve defendant Burciaga on claims in a separate case, Cervantes v. Lee, No. 2:20-
5 cv-2416 TLN DMC. ECF No. 80. Any requests related to the claims in Cervantes v. Lee must be
6 filed in that case and the motion will therefore be denied.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Plaintiff's motion to amend, ECF No. 79, is DENIED without prejudice to a motion
9 accompanied by a proposed amended complaint.

10 2. Plaintiff's motion to join claims, ECF No. 80, is DENIED.

11 DATED: August 6, 2021

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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